



Washington State Liquor Control Board

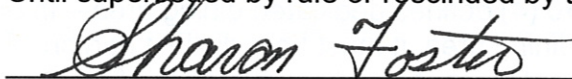
Liquor Control Board Interim Policy #10 - 2009

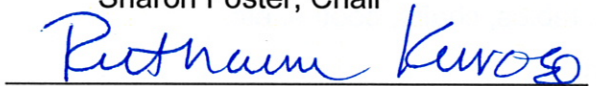
Subject: Restrictions on Spirits/Beer/Wine and Beer/Wine Restaurant Licenses for Dinner Theater (Cinema) venues.

Effective date:

Ending Date: Until superseded by rule or rescinded by the Board

Approved:

 12/16/09
Sharon Foster, Chair


Ruthann Kurose, Board Member

Purpose:

Interim Policy #10 – 2009 is intended to clearly state the Board's policy concerning licensure of dinner theater venues. Rule making will be commenced immediately to place this policy into administrative rule.

Background:

The Licensing Division continues to experience applications for licensure from this type of venue. Applicants have stated that the restriction to preventing minor access in the rooms where alcohol is served is unnecessary and economically harmful to their business model.

Currently licensed with the Board are numerous venues commonly referred to as "dinner theaters". These venues provide entertainment to their customers in the presentation of large screen cinema. Because there is no current license for dinner theater venues, rather than deny them a liquor license these venues have been accommodated to fit into the restaurant or tavern license categories. This accommodation has been accomplished through imposing two conditions upon the license:

- 1) The lighting must meet WAC 314-11-055: on all portions of the premises where alcohol is served or consumed, licensees must maintain sufficient lighting so that identification may be checked and patrons may be observed for the enforcement of liquor laws and rules.
- 2) No minors are to be allowed in the individual theater rooms that allow alcohol service.

Licensing staff views these business models as primarily theaters, with customers going to the business because they want to see a movie and having a meal is secondary.

The rationale behind these two restrictions is directly related to public safety, i.e. preventing minor access and over service.

The following rules support Licensing's approach to these types of venues.

- 1) WAC 314-02-030 (2) states that spirits/beer/wine restaurants that have less than fifteen percent of their total customer service area dedicated to dining must exclude minors from the entire premises.
- 2) WAC 341-02-010 (4) defines dedicated dining area – In order for an area to qualify as a dedicated dining area, it must be a distinct portion of a restaurant that is used primarily for the sale, service and consumption of food, and have accommodations for eating, e.g. tables, chairs, booths, etc.

Policy Statement:

The Board permits the service of alcohol in theater (cinema) venues provided compliance with WAC 314-02-010(4) and 030(2) is assured. The Board does not find that seating within the room where cinema is shown constitutes dedicated dining, thus does not comply with WAC 314-02-010(4). Therefore, for venues that want the service of alcohol within such rooms and do not provide dedicated dining, the Board will require that minors be excluded from the entire premises.

Policy Implementation:

This interim policy will be posted to the LCB website. Further, rule-making to address this topic is to commence as quickly as possible.